sisted in using combustible timber and in the location and condition of electric wires within the building. The building caught fire and the servant ran out to give the alarm. Failing in this and for the purpose of using the telephone, he ran back into the building, which was in flames, where he was so severely burned as to cause death. Suit is brought against the company for damages. *Held*, that the proximate cause of servant's injury was the voluntary and reckless act of going into the burning building. *Chattanooga Light & Power Co.* v. *Hodges* (1902), —Tenn. —, 70 S. W. Rep. 616.

The discussion in this case presents the view generally taken by the courts on this subject. It is well settled that where one person is exposed to peril of life by negligence of another, the latter will be liable in damages for injuries received by a third party in a reasonable effort to rescue the one so imperiled. But whether the benefit of the rule is to be extended to one injured in an effort to save another's property the courts are not agreed. Found cited against the extension are: *Eckert* v. *Railway*, 43 N. Y. 502, 3 Am. Rep. 721; *Morris* v. *Railway*, 148 N. Y. 186, 42 N. E. 579; *Condiff* v. *Railway*, 45 Kans. 260, 25 Pac. 562; *Cook* v. *Johnson*, 58 Mich. 437, 25 N. W. 388, 55 Am. Rep. 703; *Seale* v. *Railway*, 65 Texas 274, 57 Am. Rep. 602. In favor of it: *Berg* v. *Railway*, 70 Minn. 272, 73 N. W. 648, 68 Am. St. Rep. 524; *Liming* v. *Railway*, 81 Iowa 246, 47 N. W. 66; *Pullman Pal. Car Co.* v. *Laack*, 143 Ill. 242, 32 N. E. 285, 18 L. R. A. 215; *Wasmer* v. *Railway*, 80 N. Y. 212, 36 Am. Rep. 608. The courts are agreed that the injured party must not act rashly nor unnecessarily expose himself to danger in any case. A comparison of the cases respecting the saving of property shows there is no real conflict. The difference lies, not in the nature of the thing to be rescued, but in the degree of prudence that the courts require the party to exercise in thus hazarding his life.

NEGLIGENCE—INJURY TO EMPLOYEE—LIABILITY OF EMPLOYER.—Plaintiff's foot was caught in an unblocked guard rail, while he was attempting to uncouple cars, and he was injured. He alleges negligence on part of the company in its failure to block the guard rails. *Held*, he cannot recover. *O'Neill* v. *Chicago, R. I. and P. R. Co.* (1903),—Neb. —, 92 N. W. Rep. 731.

Ordinary diligence in providing its employees with safe machinery is all that is required of the employer, and the test of the character of appliances is general use. *R. R. Co.* v. *Lyde*, 57 Tex. 505; *Conway* v. *R. R.*, 50 Iowa 465; *Iron Ship Building Works* v. *Nuttall*, 119 Pa. St., 149, 13 Atl. 65; *Allison Manuf'g Co.* v. *McCormick*, 118 Pa. St. 519. The safety of the construction of appliances, for a particular business, where skill is required, is not ordinarily a question for the jury. Juries cannot be allowed to set up a standard, that will dictate the custom or control of business. BAILEY'S MASTER'S LIABILITY FOR INJURIES TO THE SERVANT, pp. 23-24; *Titus* v. *R. R.*, 136 Pa. State 618, 20 Atl. 517; *Loffin* v. *R. R.*, 106 N. Y. 136, 12 N. E. 599; *Vinton* v. *Schwab*, 32 Vt. 612; *Tuttle* v. *R. R.*, 122 U. S. 189. It is much safer to hold that when it appears the employee is aware of the risks to which he exposes himself in the service, and consents to encounter them by entering the service, his employment subject to these risks cannot be treated as a breach of duty. *McGinnis* v. *Bridge Co.*, 49 Mich. 466; *R. R.* v. *McCormick*, 74 Ind. 440; *R. R.* v. *Selly*, 152 U. S. 145; *Appel* v. *R. R.*, 111 N. Y. 550; *R. R.* v. *McDade*, 135 U. S. 554.

NEGLIGENCE—LIABILITY OF STATE FAIR ASSOCIATION FOR NEGLIGENCE OF PERSONS CONDUCTING A SIDE-SHOW ON THE FAIR GROUNDS.—The defendant, the Texas State Fair, owned extensive grounds upon which it annually conducted a state fair. It leased or conceded to the firm of S. & L.